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Held at Headquarters, New York, on Wednesday, 26 November 2008, at 11 a.m.

Chairman: Mr. Majoor ..... (Netherlands)

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The meeting was called to order at 11.25 a.m.

Agenda item 119: Programme planning (*continued*) (A/C.3/63/L.79)

Draft decision A/C.3/63/L.79: Programme planning

1. **The Chairman** invited the Committee to take action on the draft decision on programme planning (A/C.3/63/L.79), submitted by the Chairman.

2. **Ms. Eilon Shahar** (Israel) said that she regretted that there had not been sufficient time to reach a consensus on the draft decision. Israel was unable to accept the text, mainly owing to the reference to the Durban Declaration and Programme of Action. Her delegation's consistent position on that issue had been clear since 2001, when her delegation had walked out of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

3. Programme 19 of the proposed strategic framework for the period 2010-2011 (A/63/6) was intended to provide general guidelines to the Office of the United Nations High Commissioner for Human Rights (OHCHR). As that programme contained a list of legislative mandates which included several specific references to the Durban Declaration and Programme of Action, additional references in the draft decision were unnecessary. Previous draft decisions had not included such a reference, nor had the original version of the current text, as submitted by the OHCHR secretariat. OHCHR required only very general guidelines to be able to continue with its work, and although no agreement had been reached thus far, she hoped that delegations would continue to work constructively on that issue and find a compromise that addressed delegations' genuine concerns while sending a clear signal of support for the very important work of OHCHR.

4. **The Chairman** said that he regretted that he was compelled to withdraw the text contained in document A/C.3/63/L.79 in accordance with rule 122 of the General Assembly's rules of procedure.

5. **Ms. Gendi** (Egypt), speaking as the coordinator of the Group of African States, said that the text was the outcome of lengthy negotiations in which all members of the Committee had participated. The Group regretted that one delegation had a problem with the reference to the Durban Declaration and Programme of Action. If the Chairman would not submit the draft decision, the Group, which had been combating against racial discrimination and racism for a long time, would be proud to submit the text for the Committee's consideration, and invited other delegations to join it as sponsors. The text reflected the interests of all members of the Committee.

6. **Mr. Khane** (Secretary of the Committee) said that the text, which had already been withdrawn by the Chairman, could be reintroduced by the Chairman of the Group of African States in accordance with rule 122. The text of the draft decision (A/C.3/63/L.79) would have to be corrected to read "submitted by Mauritius on behalf of the Group of African States".

7. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, called on all Member States to support the draft decision.

8. **Mr. Khane** (Secretary of the Committee) said that Antigua and Barbuda, Argentina, Bahrain, Barbados, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Iraq, Kuwait, Lebanon, Liechtenstein, Mexico, Norway, Oman, Panama, Paraguay, Qatar, Saudi Arabia, Suriname, Switzerland, the United Arab Emirates and Uruguay wished to join the sponsors of the draft decision, as orally amended.

9. **Mr. Amorós Núñez** (Cuba) said that the text was the best possible in the current circumstances. Although it did not reflect all of his delegation's concerns, his delegation had joined the sponsors as a sign of support for the work of OHCHR, as the document would be an essential guide for its work in future years. His delegation also supported the Durban Declaration and Programme of Action, which were the outcomes of one of the most significant United Nations conferences.

10. **Ms. Giménez-Jiménez** (Bolivarian Republic of Venezuela) said that her delegation also wished to sponsor the draft decision.

11. **Mr. McMahan** (United States of America) proposed that, in paragraph 19.11 (d) of the annex to the draft decision, the phrase "Durban Declaration and Programme of Action" should be replaced with "outcomes to all relevant United Nations conferences and summits". As singling out just one conference had led to a lack of consensus, the purpose of the amendment was to broaden the context of the paragraph to include other conferences.

12. **Ms. Gendi** (Egypt), speaking on behalf of the Group of African States, requested the Chairman to apply rule 120 of the rules of procedure, according to which no proposal could be discussed unless copies had been circulated at least one day in advance. The Group would in any case vote against any amendment that was proposed at such a late stage and invited all other delegations to do the same.

13. **Mr. Khane** (Secretary of the Committee) clarified that, according to rule 120, the Chairman could permit the discussion and consideration of amendments that had not been circulated or had only been circulated the same day. He recalled that at the previous day's meeting all proposed amendments had immediately been acted on by the Committee.

14. **The Chairman** said that, as he had allowed oral amendments to be considered throughout the session, he would do the same in the current circumstances.

15. **Ms. Gendi** (Egypt), speaking on a point of order on behalf of the Group of African States, appealed against the Chairman's ruling in accordance with rule 113.

16. **The Chairman** said he took it that the delegation of Egypt had requested a vote on the Chairman's ruling that the Committee could act on the oral amendment proposed by the delegation of the United States.

17. *A recorded vote was taken on the Chairman's ruling that the Committee could consider the proposed oral amendment to draft decision A/C.3/63/L.79.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Angola, Belarus, Botswana, Burundi, Cape Verde, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Iran (Islamic Republic of), Iraq, Kenya, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Russian Federation, Rwanda, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Uganda, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Brunei Darussalam, Cambodia, Grenada, Guyana, Haiti, India, Indonesia, Kuwait, Malaysia, Nepal, Qatar, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, United Arab Emirates.

18. *The Chairman's ruling that the Committee could consider the proposed oral amendment to draft decision A/C.3/63/L.79 was upheld by 74 votes to 57, with 24 abstentions.*

19. **The Chairman** said he took it that the Committee wished to proceed to a recorded vote on the oral amendment proposed by the United States.

20. **Mr. Amorós Núñez** (Cuba), speaking in explanation of vote before the voting, said that his delegation would vote against the oral amendment and urged all other delegations to do likewise. The draft decision was the result of a long process of negotiation in which all delegations had participated in good faith. His delegation had contributed constructively to the discussions and to the efforts to arrive at a compromise. The amendment concerned programme 19, subprogramme 1, which related to the research and analysis activities of OHCHR; that was an area in which guidance had traditionally been provided for the Office's efforts to eliminate all forms of racism. By rejecting the

amendment, the Committee would express support for the Office's work.

21. **Ms. Gasri** (France), speaking on behalf of the European Union, expressed support for the draft decision. However, the European Union would abstain from voting on the amendment, as it would have preferred a compromise on the paragraph concerned. It was the lack of such a compromise that had prevented the Committee from reaching a consensus on the draft decision as a whole.

22. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, said that he regretted the tabling of an amendment after such long negotiations. The Group of African States would vote against it and hoped that all delegations would do the same.

23. **Ms. Eilon Shahar** (Israel) reiterated her disappointment at the lack of consensus. The proposed amendment did not contradict the Committee's message of support for the work of OHCHR but, rather, enhanced it; it made that expression of support more comprehensive, by highlighting the equal importance of the follow-up to all relevant United Nations conferences. She called on all delegations not to be swayed by political considerations but to vote, like her delegation, in favour of the amendment.

24. *A recorded vote was taken on the proposed amendment to paragraph 19.11 (d) of the annex to draft decision A/C.3/63/L.79.*

In favour:

Australia, Canada, Israel, United States of America.

Against:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burundi, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Grenada, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland.

25. *The proposed amendment to paragraph 19.11 (d) of the annex to draft decision A/C.3/63/L.79 was rejected by 105 votes to 4, with 55 abstentions.*

26. **Ms. Eilon Shahar** (Israel) requested a recorded vote on draft decision A/C.3/63/L.79.

27. **Mr. Khane** (Secretary of the Committee) announced that the delegations of Albania, Belgium, France, Jamaica and Nicaragua had joined the sponsors of the draft decision.

28. *A recorded vote was taken on draft decision A/C.3/63/L.79.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina,

Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada.

29. *Draft decision A/C.3/63/L.79 was adopted by 167 votes to 2, with 2 abstentions.**

30. **Ms. Janson** (Canada) said that her delegation supported the efforts of OHCHR to improve human rights protection worldwide. OHCHR itself provided support for other United Nations mechanisms, including human rights and treaty bodies and special procedures, and its independence was essential. Programme 19, Human rights, of the proposed strategic framework for 2010-2011 offered an adequate basis for its continued work. However, on specific aspects of the Durban Declaration and Programme of Action that related to the Middle East, her delegation had strong reservations that had been spelled out at the time of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in 2001. It had therefore abstained from voting on the draft decision, while regretting the failure to achieve a consensus on the proposed strategic framework.

31. **Mr. McMahan** (United States of America) said that, while his delegation staunchly supported the work of OHCHR, it had had no choice but to vote against the draft decision. It could not agree to the suggestion that the Secretariat should support the implementation of the Durban Declaration and Programme of Action, since the Durban process appeared to be aimed not only against racism, but against Israel. His delegation regretted the unyielding insistence on retaining new, non-agreed language, which had hampered the negotiations. His delegation's negative vote had not been against OHCHR, which it would continue to support, but against a harmful process that did little to alleviate the real problems caused by racism.

32. **Ms. Nassau** (Australia) said that her delegation attached great importance to the role of OHCHR in the protection and promotion of human rights around the world but had strong reservations about the inclusion in the draft decision of inappropriate language concerning the Durban Declaration and Programme of Action. Her delegation had therefore abstained from voting on the draft decision, while appreciating the excellent work done by OHCHR, which it would continue to support.

33. **Ms. Eilon Shahar** (Israel) said that her delegation, while strongly supporting the work of OHCHR, continued to object to the inclusion of the reference to the Durban process, particularly in view of the upcoming follow-up conference, which appeared to be heading in the same direction as the 2001 Conference. That was the only reason for her

* The delegation of Afghanistan subsequently informed the Committee that it had intended to abstain from voting on the draft decision.

delegation's vote against the draft decision, which it would otherwise have supported.

34. **Ms. Gasri** (France), speaking on behalf of the European Union, expressed full support for the draft decision, although it would have been preferable to have reached a consensus on it. She hoped that in future years programme 19 would be adopted by consensus.

35. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, said that he had never sought to challenge the Chairman's ruling; the Group of African States had every confidence in him and had fully supported him throughout the Committee's deliberations.

36. **Ms. Gendi** (Egypt) said that she welcomed the near-consensus that had been achieved in support of the work of OHCHR. Her delegation had not wished to challenge the Chairman himself, but rather the rule of procedure that had been invoked.

37. **Ms. Hoosen** (South Africa) said that, since OHCHR discharged functions specifically assigned to it by the General Assembly, the Economic and Social Council and the Human Rights Council, the role of Member States with regard to its activities, particularly programme 19 of the proposed strategic framework, needed to be reaffirmed. The universal periodic review mechanism had shifted the focus of the human rights agenda from politicization, double standards and selectivity to constructive dialogue and cooperation; it was therefore critical that OHCHR should support the Human Rights Council's efforts in accordance with Council resolution 5/1. Moreover, field activities remained an important part of the work of OHCHR, whose engagement with Member States must be based on a mutually agreed framework with the States concerned. Lastly, effective follow-up to the World Conference against Racism, including the Durban Declaration and Programme of Action, was the key to eradicating racism worldwide and required the support of OHCHR. It was therefore inconceivable that programme 19 of the proposed strategic framework could be adopted without a reference to the Durban process. She hoped that programme 19, particularly those aspects that had received relatively little attention, would be effectively funded and implemented.

38. **Mr. Amorós Núñez** (Cuba) said that programme 19 of the proposed strategic framework was essential for the future work of OHCHR and deserved to be supported by all Member States. The Office's efforts must be based on genuine international cooperation, as the High Commissioner herself had stressed in her remarks to the Committee at its 20th meeting. While the text just adopted did not fully satisfy all delegations, it largely succeeded in bridging their differences.

Agenda item 110: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-fourth session of the General Assembly (A/C.3/63/L.76)

39. **Mr. Khane** (Secretary of the Committee) said that, in the tentative programme of work (A/C.3/63/L.76), item 1 (d) ("Review and appraisal of the World Programme of Action concerning Disabled Persons") had been deleted.

40. **Mr. Amorós Núñez** (Cuba) said that the Committee's discussions on human rights were too frequently interrupted by the interactive dialogue with special procedures mandate holders. While that dialogue was very important, his delegation hoped that, in future, Member States would be able to take fuller advantage of the opportunity offered by the Committee's general debate to discuss human rights among themselves.

41. **The Chairman** said he took it that the Committee wished to adopt the tentative programme of work (A/C.3/63/L.76), as corrected, and to transmit it to the General Assembly for approval.

42. *It was so decided.*

Completion of the Committee's work

43. After an exchange of courtesies, in which **Mr. Llanos** (Chile), **Mr. Dhalladoo** (Mauritius), **Mr. Al-Binale** (Qatar), **Ms. Kožar** (Croatia), **Mr. Fieschi** (France) and **Mr. Hreggvidsson** (Iceland) spoke on behalf of regional groups of States, and in which **Mr. Amorós Núñez** (Cuba), **Ms. Phipps** (United States of America) and **Mr. El-Shaksuki** (Libyan Arab Jamahiriya) also took part, the Chairman declared that the Third Committee had completed its work for the main part of the sixty-third session.

The meeting rose at 1.20 p.m.